

The Consular Report of Birth Abroad and Proving Physical Presence

How do I show that I was “physically present” in the United States?

In general, “physical presence” is counted as the time (before the birth of your child) that you were actually physically within the borders of the United States.

- Usually, physical presence does not need to be continuous, and visits of any length to the U.S.A. count towards fulfilling the physical presence requirement;
- Conversely, any travel outside of the United States, including vacations, must be excluded;
- For purposes of the Consular Report of Birth Abroad (CRBA), it does not matter whether you were in the U.S.A. legally or illegally, or whether you were a U.S. citizen or a visitor to the U.S.A.;
- Time spent overseas for honorable U.S. military service or as the dependent of someone honorably serving in U.S. military often counts, but you will need to provide official records;
- Time spent while employed with the U.S. government or certain international organizations — or as the dependent of someone employed by the U.S. government or certain international organizations — may also count, but you will need to provide official records.

What types of documents may show that I was physically present in the United States?

You are the person who knows what you were doing when you were physically in the United States and may offer any proof you believe shows that you were actually there. You may have documents unique to your case — please feel welcome to provide them. However, some documentation has proven easier for many applicants to obtain, and for consular officers to use:

- Official school transcripts from primary, secondary or university education;
- Wage and tax statements such as W-2 forms, along with a letter from the HR department or company that employed you;
- Current and expired passports with evidence of travel to the United States (but be aware that these must show both entries and exits to the U.S.A. — if you have used different passports to enter and exit the U.S.A., your actual travel dates may be difficult to establish);
- Military records of honorable service such as a Military Statement of Service or DD-214 Separation Statement;
- Prison records;
- Banking or credit card statements that indicate activity at specific U.S. locations (e.g. ATM withdrawals or meals at U.S. restaurants);
- Some medical records provide a record of time in the U.S., but only for the exact dates of treatment;
- U.S. Customs and Border Protection entry and exit records — please go to <https://www.cbp.gov/site-policy-notices/foia/faq-foia> for CBP’s directions on how to file a FOIA request for their records.

What types of documents DO NOT show that I was physically present in the United States?

- A U.S. driver’s license (does not show exactly when you were present in the U.S.A. or for how long);
- A diploma without relevant school transcripts (because a person may have earned or transferred credits from study abroad);
- A lease or mortgage for a residence (many people maintain residences in numerous countries or property abroad for rental purposes);
- Cell phone records;
- General financial statements that do not show your U.S. location (many people hold bank accounts around the world without actually spending time in those specific countries);
- Social media records that merely mention being in the U.S.A.;
- Income tax forms without pay stubs or W-2s (taxes can be paid from anywhere in the world).